

1 EDMUND G. BROWN JR.
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 JOHN PADRICK
Deputy Attorney General
4 State Bar No. 155123
1300.I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 323-6708
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-521

13 **SARAH LYNN RESPECKI**
3916 Morgan Road
14 Lake Orion, MI 48359
Registered Nurse License No. 737160

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about September 23, 2008, the Board issued Registered Nurse License Number
24 737160 to Sarah Lynn Respecki ("Respondent"). The registered nurse license was in full force
25 and effect at all times relevant to the charges brought herein and will expire on January 31, 2012,
26 unless renewed.

27 ///

28 ///

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct....,

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Criminal Conviction)**

5 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in
6 that on November 25, 2008, in the Superior Court, County of Stanislaus, California, in the matter
7 entitled *People vs. Sarah L. Respecki*, (2008), Case No. CPD 08-6748, Respondent was convicted
8 by the court following her plea of nolo contendere to a violation of Vehicle Code section 23152,
9 subdivision (b) (drive a vehicle while having 0.08% or more, to wit, .15/.16% by weight of
10 alcohol in her blood), a misdemeanor, with a special allegation that Respondent had a blood
11 alcohol content of .15% or higher within the meaning of Vehicle Code section 23578. The
12 circumstances of the crime are that on or about October 29, 2008, Respondent was arrested after
13 leaving the scene of a minor traffic accident that was caused by Respondent.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Criminal Conviction Involving Alcohol)**

16 9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on
17 the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c), in that
18 on November 25, 2008, Respondent was convicted of a crime involving alcohol, as more
19 particularly set forth in paragraph 8, above.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Use Alcohol to an Extent or in a Manner Dangerous or Injurious**
22 **to Herself or Others)**

23 10. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on
24 the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in that
25 on or about October 3, 2008, Respondent used alcohol to an extent or in a manner dangerous or
26 injurious to herself or others, as more particularly set forth in paragraph 8, above.

27 ///

28 ///

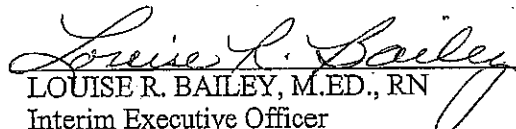
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 737160, issued to Sarah Lynn Respecki;
2. Ordering Sarah Lynn Respecki to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

4/20/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SA2009102574
10532538.doc